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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 2848 OF 2003

PETITIONER		Tahir Khan, S/o. Late Mod. Ismail Khan, aged about 54 years, R/o. Qr. No. 16E, Str. No.30, Sector-7, Bhilai Nagar (C.G.) Distt. Durg.
	Versus	
RESPONDENTS	1.	Bhilai Steel Plant, through M.D. Ispat Bhawan, Bhilainagar, Dist. Durg (C.G.)
	2.	Estate Manager, Estate Office, Civic Centre, Bhilainagar.

Present : Shri T.K. Tiwari, learned counsel for the petitioner.

Shri Prashant Mishra, learned Sr. Advocate with Shri V.R. Tiwari, learned counsel for the respondents.

(ORAL ORDER)
(Passed on 6th February, 2006)

Should I say, this writ petition is totally misconceived and premature writ petition. This is directed against the direction issued by the Town Administrator, Bhilai, dated 27/08/2003, calling upon the petitioner to vacate the petition schedule premises, within seven days, failing which they would take appropriate steps under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 Act (for short 'the Act'). The contention of learned counsel for the petitioner is that the Town Administrator is an incompetent authority to initiate proceedings under the Act and, therefore, intervention of this Court, at this stage itself, is a must. The submission of the learned counsel is not acceptable to the Court. It cannot be said that the Town Administrator has not even the power to

request the petitioner to vacate the petition schedule premises. The eviction proceedings envisaged under the Act are not yet set in motion. It is quite obvious that if the petitioner refuses to vacate the petition schedule premises, the Estate Officer may take appropriate steps under the Act to evict the petitioner. That stage is not reached yet. Secondly, if the Estate Officer initiates proceedings and ultimately passes eviction order, against such order a statutory appeal is provided to the District Court under Section 9 of the Act. The petitioner cannot bypass all statutory remedies and rush to this Court under Article 226 of the Constitution on misconceived and untenable grounds. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

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